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COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

44th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Thursday, September 7, 2006
9:00 a.m.

INVOCATION

Reverend Larry Walter of First United Protestant Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 1, 2006

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**9:00 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS AND ORDER OF RESOLUTIONS****COMMUNICATIONS AND ORDER OF RESOLUTIONS**

Res. 404-06: Requests the Mayor and His Administration to Enter Into Negotiations with the Owner of the Puapua'a Properties Makai of Ali'i Drive in Order to Preserve Numerous Pre-Historic and Historic Cultural Sites and Structures, Including a Burial Complex and the Kauakaikaola Heiau. {Consists of the following tax map keys: 7-5-020-022 (4.2004 acres), 7-5-020-024 (3.0780 acres), 7-5-020-028 (.0329 acres), and 7-5-020-034 (5.3275 acres), for a total of 12.639 acres.}

Re: Comm. 969
Intr. by: Ms. Isbell
Approve: PC-105

Res. 419-06 (Draft 2): Requests the Department of Research and Development and Its Economic Development Committee to Prepare a Hawai'i County Energy Sustainability Plan. {Authorizes the Research and Development Department to work with experts in the energy field to determine current and future projections for energy demands on Hawai'i Island, the applicability of various trends in the field of energy development to Hawai'i Island, and clear goals and action steps for implementation by stakeholders involved in the Plan, including a timeline for achieving objectives identified in the Plan.}

Re: Comm. 1006.2
Intr. by: Mr. Hoffmann
Approve: HSEDC-4

Res. 420-06: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) for a Copier for the Department of Parks and Recreation. {Entering into a new lease agreement will improve the productivity and efficiency of the Department's Administration Office.}

Re: Comm. 1007
Intr. by: Ms. Isbell
Approve: FC-317

Res. 421-06: Requests the Mayor to Enter Into Negotiations with the Governor and the Board of Land and Natural Resources to Amend Executive Order No. 3665 to Reflect a Change In Public Purpose for State Lands Set Aside at Kealakehe from a "Kealakehe Wastewater Reclamation Field and North Kona Golf Course" to a "Kealakehe Wastewater Reclamation Field and Kona Regional Park". {The General Plan describes a "Regional Park" as a major recreational area serving several districts and providing indoor and outdoor activities; a major center for spectator sports and cultural activities; and may include features of historic, geological, and horticultural interests; and has a minimum size of 50 acres, thus providing a wider variety of recreational opportunities for the people of West Hawai'i. }

Re: Comm. 1009
Intr. by: Ms. Isbell
Approve: FC-319

Res. 422-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$41,787 out and from Engineering Division Salary and Wages account; credits same to Property Management Salary and Wages. Funds were appropriated to create a new Land Agent position within the Public Works Department's Engineering Division, however, upon discussions between the Administration and the Civil Service Department, it was decided that this position be placed in the Finance Department's Property Management Division. }

Re: Comm. 1010
Intr. by: Ms. Isbell
Approve: FC-320

Res. 423-06: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (5 years) of Real Property for Public Parking and Bus Stop/Shelter in Kealakekua, South Kona, TMK:(3)8-1-012:005 and 006. {Allows the County to construct a temporary off-street public parking lot and bus stop facility for a total cost of \$21,874.86 per year, plus the waiver of the real properties' real property taxes, with an option for an additional five-year term. }

Re: Comm. 1011
Intr. by: Ms. Isbell
Approve: FC-321

Res. 424-06: Creates a Clerk III Position for the Office of the Corporation Counsel. {The role of their legal clerks have evolved to more legal responsibilities and the traditional clerical functions must be performed by other clerical personnel. }

Re: Comm. 1012
Intr. by: Ms. Isbell
Approve: FC-322

Res. 425-06: Authorizes the Receipt and Expenditure of State Funding Appropriated by the State Legislature Pursuant to Act 160, Session Laws of Hawai'i 2006, for the Coqui Frog Eradication and Control Efforts by the County of Hawai'i. {Funds would be used to: 1) address coqui frog infestations, including incipient populations, and provide assistance to communities; 2) receive up to \$5,000 per award to address coqui frog infestations in their neighborhoods through the community mini-grant program; and 3) fund Coqui Frog Work Group partners' efforts via field operations, research and development, public education and community outreach, and plant quarantine and nursery inspections.}

Re: Comm. 1013
Intr. by: Ms. Isbell
Approve: FC-323

Res. 431-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of the Mayor Committee on the Status of Women (Miscellaneous Contract) (GEMS Program). Discretionary funds from District 7 would be used to help with scholarship funding, facility rental and catering costs, publicity expenses, equipment purchase/rentals and miscellaneous expenses for the Girls Exploring Math and Science (GEMS) 2006 workshop.}

Re: Comm. 1022
Intr. by: Ms. Isbell
Waived: FC

Res. 433-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s) to Fund Necessary Staff for Increased Council Meetings in West Hawai'i Beginning January 2007 Pursuant to Resolution 402-06 (Draft 4). {Transfers/appropriates \$9,345 out and from Legislative-Contingency Relief account; credits same to Clerk-Council Services Other Current Expense. Discretionary funds from District 6 would be used towards the hiring of additional staff and other related expenses.}

Re: Comm. 1027
Intr. by: Mr. Jacobson
Waived: FC

Res. 434-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$28,035 out and from Legislative – Contingency Relief account; credits same to Clerk-Council Services – Other Current Expense (Resolution 402-06, Draft 4, Relating to Meetings). Discretionary funds from District 9 would be used to hire additional personnel and purchase new equipment in order to implement the new meeting schedule adopted by Council Resolution No. 402-06, Draft 4.}

Re: Comm. 1028
Intr. by: Mr. Hoffmann
Waived: FC

Res. 435-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$37,380 out and from Legislative Contingency Relief account; credits same to Clerk-Council Services – Other Current Expense (Resolution 402-06, Draft 4, Relating to Meetings). Discretionary funds from District 8 would be used to hire additional personnel and purchase new equipment in order to implement the new meeting schedule adopted by Council Resolution No. 402-06, Draft 4.}

Re: Comm. 1029
Intr. by: Mr. Pilago
Waived: FC

Res. 439-06: Authorizes the Exemption of Certain Zoning Code Requirements for the Waikoloa Employee Housing Project Pursuant to Chapter 46-15 of the Hawai'i Revised Statutes. {Exempts the project site (Exhibit "A") from certain laws, code requirements and standards as established by the Public Works and Planning Departments (Exhibits "B" and "C").}

Re: Comm. 1036
Intr. by: Mr. Hoffmann
Approve: CHA – August 22, 2006

Res. 443-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$9,345 out and from Legislative-Contingency Relief Contract Services account; credits same to Clerk-Council Services Other Current Expense Miscellaneous Contract Services (West Hawai'i Committee/Council Meetings). Discretionary funds from District 7 would be used to provide funding to facilitate West Hawai'i Council and Committee meetings pursuant to Resolution 402-06, Draft 4, which requires additional personnel, equipment, and other operating costs.}

Re: Comm. 1042
 Intr. by: Ms. Isbell
 Waived: FC

Res. 444-06: Authorizes the Acceptance of a Donation of an Ambulance from the Ocean View Community Association to the County of Hawai'i Fire Department. {Donation of a 2005 Ford F363 Ambulance, with a total estimated value of \$152,305.24, would be assigned to the Hawai'i Ocean View Estates fire station and would provide emergency medical services primarily to the Ocean View geographical area.}

Re: Comm. 1043
 Intr. by: Ms. Isbell
 Waived: FC

Res. 445-06: Creates Two (2) Housing and Community Development Specialist III Positions for the Office of Housing and Community Development. {In anticipation of a 13% decrease in allocation, the Office of Housing and Community Development (OHCD) decreased its staffing by two, however, was informed that due to an error in computation the OHCD would receive the same level of funding, thus, this request to bring it back to the past staff level.}

Re: Comm. 1044
 Intr. by: Ms. Isbell
 Waived: FC

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 299: Amends Ordinance No. 04-106, Which Reclassified Lands from Agricultural 5-Acres (A-5a) to Multiple Family Residential - 4,000 Square Feet (RM-4) at O'oma 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-3-010:051 (Formerly 7-3-010:Portion of 3) (approx. 10.001 acres). {Seascape Development, LLC, Applicant. Requests an amendment to Condition H.}

Re: Comm. 935
 Intr. by: Mr. Pilago
 Approve: PC-108

Bill 318: Amends Chapter 25, Article 2, Division 4, Section 25-2-44, Hawai'i County Code 1983 (2005 Edition) Relating to Conditions on Change of Zone. {Adds requirements to existing provisions within the Zoning Code relating to conditions on change of zone ordinances regarding water supply improvements or strategies as specified by the Department of Water Supply as well as transportation improvements or strategies to accommodate the impacts of development on transportation facilities, be made concurrent with development associated with any change of zone in order to manage growth and coordinate the delivery of government services in the County.}

Re: Comm. 998
 Intr. by: Mr. Hoffmann
 Pursuant to
 Section 25-2-43, Hawai'i
 County Code, recommends to
 commit to Planning Director
 and Planning Commission: PC-106

Bill 319: Amends Chapter 23, Article 2, Division 1, Section 23-13, Hawai'i County Code 1983 (2005 Edition) Relating to Large Scale Developments. {Adds requirements to existing provisions within the Subdivision Code relating to large scale developments regarding water supply improvements or strategies as specified by the Department of Water Supply as well as transportation improvements or strategies to accommodate the impacts of development, be made concurrent with development of large scale subdivisions or condominium property regimes in order to manage growth and coordinate the delivery of government services in the County.}

Re: Comm. 999
 Intr. by: Mr. Hoffmann
 Pursuant to
 Section 25-2-43, Hawai'i
 County Code, recommends to
 commit to Planning Director
 and Planning Commission: PC-107

Bill 323: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Coqui Frog Eradication and Control (\$1,000,000); appropriates same to Coqui Frog Eradication and Control.}

Re: Comm. 1013
 Intr. by: Ms. Isbell
 Approve: FC-324

;and

Comm. 1013.7: Submits financial information regarding the "Coqui Frog Eradication and Control Community Funds Mini-Grant Assessment".

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 303: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Single-Family Residential – 10,000 Square Feet (RS-10) to Residential-Commercial Mixed Use – 20,000 Square Feet (RCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-25:18 (approx. 20,438 square feet). {Alice Adee, M.D., Applicant.}

Re: Comm. 951
 Intr. by: Mr. Pilago
 1st Reading: August 23, 2006

Bill 304: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Single-Family Residential – 10,000 Square Feet (RS-10) to Neighborhood Commercial – 20,000 Square Feet (CN-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-34:13 (approx. 20,000 square feet). {Hirayama Brothers Electric, Inc., Applicant.}

Re: Comm. 952
 Intr. by: Mr. Pilago
 1st Reading: August 23, 2006

Bill 309
 (Draft 4): Planning Director Initiated – Amends the Hawai'i County General Plan, as Adopted by Ordinance No. 05 25. {Proposed amendments are to the text, policies, courses of action, Land Use Pattern Allocation Guide (LUPAG) Map, and Facilities Map. Revisions in the draft include deletion of A-1, A-2, B-2, and B-3 on the LUPAG Map, and revisions to the Planning Director's proposed text amendments to the General Plan.}

Re: Comm. 964.48
 Intr. by: Mr. Pilago
 1st Reading: August 23, 2006

Bill 316: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds PUBLIC WORKS: Māmalahoa Highway Improvements (Mud Lane to Waimea Town) (\$142,000); funds shall be provided from General Obligations Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$142,000). Funds would be used for striping work involved in the resurfacing of roadway from Mud Lane to Waimea Town, as excessive costs for paving materials in past appropriations were devoted entirely to the paving work only.}

Re: Comm. 992
 Intr. by: Ms. Isbell
 1st Reading: August 23, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 320: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in the following: Federal Grant-Economic Development Initiative Fund Kailua-Kona Homeless Shelter (\$148,500) and Federal Grant-Economic Development Initiative Fund Caregiver and Senior Resource Center (\$198,000), for a total of \$346,500; appropriates to the following: Kailua-Kona Homeless Shelter (\$148,500) and Caregiver and Senior Resource Center (\$198,000), for a total of \$346,500.}

Re: Comm. 1003
 Intr. by: Mr. Hoffmann
 1st Reading: August 23, 2006

Bill 324: Amends the Parks and Recreational Facility Schedule, Chapter 15, Article 8, Section 15-68.1, Hawai'i County Code 1983 (2005 Edition, as Amended), Regarding Renaming the Pana'ewa Rainforest Zoo to "Pana'ewa Rainforest Zoo and Gardens". {This name change would better reflect the composition of the zoo, as well as recognize the tireless efforts of the many volunteers who have donated and/or maintained the many plants throughout the zoo.}

Re: Comm. 1019
 Intr. by: Mr. Arakaki
 1st Reading: August 23, 2006

REPORTS

FC-318
 (Comm. 1008): Recommends the acceptance of a donation by Mr. Charles Wagaman of one stand-up freezer (with an estimated total value of \$420.94) to the Department of Parks and Recreation, Elderly Activities Division, Nutrition Program, for use by the seniors belonging to the Hilo nutrition site located in Auntie Sally Kaleohano's Luau Hale for their program needs and convenience.

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote, pursuant to HRS Section 92-4 and Rule 12 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

Comm. 582.32: HAWAI'I COUNTY REQUEST FOR STAGE 2 PROPOSALS #2210; COUNTY OF HAWAI'I, DEPARTMENT OF FINANCE; WASTE REDUCTION FACILITY, DESIGN-BUILD-OPERATE PROJECT
 From Finance Director William Takaba, dated August 10, 2006. (Note: No recommendation was made at the Council's August 23, 2006, meeting, therefore, this matter has been re-agendized.)

Comm. 920.1: WENDELL TANGARO V. JOSEPH BOTELHO, ET AL., CIVIL NO. 03-00211 JMS/LEK
 From Deputy Corporation Counsel Harry P. Freitas, dated August 24, 2006.

Comm. 1035: CLAIM AGAINST THE COUNTY/JUNIPER ADLER AND PROGRESSIVE INSURANCE COMPANY
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated August 23, 2006.

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

	<u>TUESDAY, SEPTEMBER 19, 2006</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, SEPTEMBER 20, 2006</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL PUBLIC HEARING RE: BILL 300 (ALCOHOL USE IN COUNTY PARKS AND FACILITIES)	6:00 p.m.	SHERATON KEAUHOU BAY RESORT & SPA

	<u>TUESDAY, OCTOBER 10, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO
	<u>WEDNESDAY, OCTOBER 11, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by September 5, 2006. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If, for technical reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoa Neighborhood Facility will not be available.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring **seventeen (17)** copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Kona Council Office and the Waimea Council Office should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. **Please submit a separate testimony for each item.** Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means “any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, September 13, 2006, at 6 p.m.; Sunday, September 17, 2006, at 10:30 a.m.; and Wednesday, September 20, 2006, at 6 p.m.

(Hawai'i Tribune Herald – September 3, 2006)

(West Hawai'i Today – September 3, 2006)